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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,931	10/03/2003	Robert P. McCollum	13174.42USII	1210
23552 7590 03/12/2007 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER THOMPSON, CAMIE S	
			ART UNIT	PAPER NUMBER
			1774	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/678,931

Applicant(s)

MCCOLLUM ET AL.

Examiner

Camie S. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed December 4, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27,28,32-41 and 43-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-28, 32-41 and 43-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 4, 2006 has been entered.
2. Applicant's amendment and accompanying remarks filed October 6, 2006 are acknowledged.
3. Examiner acknowledges amended claims 27 and 43-45.
4. Examiner acknowledges cancelled claims 29-31 and 42.
5. The rejection of claims 27-33, 35-40, 44 and 47-49 under 35 U.S.C. 103(a) as being unpatentable over Higashi et al., U.S. Patent Number 6,818,302 in view of Figge et al., U.S. Patent Number 4,194,938 is overcome by applicant's amendment.
6. The rejection of claims 34 and 43 under 35 U.S.C. 103(a) as being unpatentable over Higashi et al., U.S. Patent Number 6,818,302 in view of Figge et al., U.S. Patent Number 4,194,938 and in further view of Wanat, U.S. Patent Number 6,852,405 is overcome by applicant's amendment.
7. The rejection of claims 41-42 and 45-46 under 35 U.S.C. 103(a) as being unpatentable over Higashi et al., U.S. Patent Number 6,818,302 in view of Figge et al., U.S. Patent Number 4,194,938 in further view of Wanat, U.S. Patent Number 6,852,405 and in further view of Motoi, U.S. Patent Number 6,605,343 is overcome by applicant's amendment.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 27-28, 32-36 and 43-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over El Bouhnini et al., U.S. Patent Number 4,242,406.

El Bouhnini discloses a structural laminate that can be used as a sink or tub wherein the laminate is comprised of four layers (see column 1, lines 5-15 and lines 42-54). The reference discloses that the first layer is an exterior layer and comprised of acrylic and has a thickness of from about 15 to 25 mil (column 2, lines 15-35). Additionally, the reference discloses a second layer comprising an acrylic (see column 2, lines 41-55). It is disclosed in column 5; lines 59-68 that the third layer comprises an organic resin. The fourth layer in the reference is disclosed as a fiber-reinforced layer wherein the reinforcing fibers are glass fibers (see column 6, lines 30-43). It is disclosed in column 5, lines 40-41 that polyurethane can be used in the reinforcing layer. The reference does not disclose the use of an acrylic for the third layer. However, the reference does disclose that the third layer is an organic resin. Acrylic resin is a good bonding agent. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that acrylic resin could be used in the third layer of the El Bouhnini reference in order promote adhesion.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over El Bouhnini et al., U.S. Patent Number 4,242,406 in view of Domine et al., U.S. Pre Grant Publication 2004/0161623.

El Bouhnini discloses a structural laminate that can be used as a sink or tub wherein the laminate is comprised of four layers (see column 1, lines 5-15 and lines 42-54). The reference discloses that the first layer is an exterior layer and comprised of acrylic and has a thickness of from about 15 to 25 mil (column 2, lines 15-35). Additionally, the reference discloses a second layer comprising an acrylic (see column 2, lines 41-55). It is disclosed in column 5, lines 59-68 that the third layer comprises an organic resin. The fourth layer in the reference is disclosed as a fiber-reinforced layer wherein the reinforcing fibers are glass fibers (see column 6, lines 30-43). It is disclosed in column 5, lines 40-41 that polyurethane can be used in the reinforcing layer. The reference does not disclose the use of an acrylic for the third layer. However, the reference does disclose that the third layer is an organic resin. Acrylic resin is a good bonding agent. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that acrylic resin could be used in the third layer of the El Bouhnini reference in order promote adhesion. El Bouhnini does not disclose that the structural laminate is a vehicle component or boat. Domine discloses a four-layered composite that can be used in vehicle components or a boat (see

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paragraphs 0135-1036). Composites are used in various materials. Composite material can form shaped articles. Therefore, it would have been obvious to one of ordinary skill in the art that the composite or structural laminate of the El Bouhnini reference can be used in an automotive component or a boat.

***Response to Arguments***

12. Applicant's arguments with respect to the instant claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L Dye, can be reached at (571) 272-3186. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RENA DYE  
SUPERVISORY PATENT EXAMINER  
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